



RESOLUTION 2025-20
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF VERONA

Application BOA 2025-02 544 Bloomfield Avenue (a/k/a 10 Park Place) Block 1703, Lot 68 Zone: TCMU (Town Center Mixed Use)

WHEREAS, The Islamic Center of Essex County (the "Applicant") applied to the Zoning Board of Adjustment (the "Board") for approval to lease and occupy approximately 4,600 square feet on the ground floor (sometimes referred to herein as the "space") of an existing two-story mixed-use building located at 544 Bloomfield Avenue (with access from 10 Park Place) for use as a house of worship (the "Property"); and

WHEREAS, the Property is located within the Town Center Mixed Use (TCMU) Zone on the Township of Verona Zoning Map, where a house of worship is neither a permitted nor conditional use under §150-17.14(A) and (D) of the Verona Zoning Code, thus requiring a use variance pursuant to N.J.S.A. 40:55D-70(d)(1); and

WHEREAS, the Application was deemed complete, proper notice was provided in accordance with the Municipal Land Use Law, and the matter was heard by the Board at duly noticed public meetings held on April 10, June 12, and September 18, 2025; and

WHEREAS, the Applicant was represented by Reginald Jenkins, Jr., Esq. of Trenk Isabel Siddiqi & Shahdanian, P.C., and presented testimony from:

Mohamed Solaiman, Board Member of the Islamic Center of Essex County;

Andrew Vischio, P.E., traffic engineer with Stonefield Engineering; and

Matthew Seckler, P.P., Professional Planner with Stonefield Engineering & Design

Nassar Aimukhtar, RA Heritage Madison Architecture

Mohammed El-Hawwat-MEH Engineering LLC

WHEREAS, Departmental reviews were submitted to the Board as follows:

Police Department Review (Chief Christopher Kiernan, January 20, 2025): No objection, noting prayer times do not conflict with school dismissal and that applicants were mindful of parking restrictions

Construction Official Review (Thomas Jacobsen, March 26, 2025): Requested testimony regarding hours of operation, access to parking, egress, fire safety, occupancy limits, and trash disposal.

Fire Official Review (Matthew Gifford, March 27, 2025): Requested testimony on egress widths, panic hardware, sprinkler system, and maximum occupancy; and

WHEREAS, during the course of the Application, the Applicant introduced the following Exhibits:

Exhibit A-1 - Architectural Plans (1 sheet), Proposed House of Worship Interior Alterations prepared by Heritage Madison Architecture LLC dated December 13, 2024;

Exhibit A-2 - Aerial Photo of the Subject Property;

Exhibit A-3 - Tax Map Sheet 17;

Exhibit A-4 - Traffic Impact Assessment prepared by Dynamic Traffic LLC dated April 8, 2025;

Exhibit A-5 - Traffic Study Addendum prepared by Dynamic Traffic LLC dated May 30, 2025; and

All of the Exhibits were properly authenticated by the witnesses; and

WHEREAS, At the April 10, 2025 hearing, Mr. Jenkins described the proposal as limited to a small prayer space for morning and evening prayers, with no amplified sound, no food service, and no large gatherings or events such as weddings or funerals. The Applicant emphasized that the building would not be altered structurally and that use would be confined to the existing ground-floor area;

Mr. Solaiman, testified under oath about attendance and the general nature of the Applicant's intended use of the Property. He testified that he is the President and Member of the Board of The Islamic Center of Essex County, a small congregation of Verona and surrounding town residents (primarily 20 to 30 local families) seeking a temporary space for prayer due to lack of affordable permanent options. The Center will utilize the Property during hours that vary by season but generally during dawn and after sunset for between 10 to 15 attendees, and on Friday's at approximately 1:15 p.m. for approximately 50 to 60 people. The services are generally 20 to 30 minutes. He further testified that the space would not be for social gatherings. He testified that attendees arrive, pray quietly, and depart. He informed the Board that there are no food/beverage services or any amenities offered to the attendees. He testified that the Center would not utilize a call to prayer broadcast, or any other means to create outside noise or disturbance.

Mr. Solaiman testified that during Ramadan, evening attendance increases substantially and that prayer generally lasts for one hour. He emphasized that attendance would still be limited.

Mr. Solaiman advised the Board that the Center would be willing to install all safety measures required by the Township to adequately protect the safety of attendees. He further advised the Board that the Center is willing to hire off-duty police and to otherwise coordinate

with the Verona Police Department to ensure parking and traffic safety during prayer times for peak times (e.g., Fridays) if conditioned by the Board.

Mr. Solaiman testified that that there are no current plans to expand the size of the congregation. He testified that the Center was actively seeking to purchase a permanent location for the Center to suit its long term needs.

Mr. Solaiman informed the Board that the Center is controlled by a five member Board and that each of those five members would have access to the space to allow attendees ingress and egress and that no other individuals would control ingress into the space. He further testified that the Center would not generate any significant trash because of the limited use of the space by the Center.

WHEREAS, During the June 12, 2025 hearing, the Applicant reiterated that the Applicant was proposing no alteration or expansion of the building, and that there would be no outdoor activities, food service, or special events in conjunction with the proposed use of the space. The Applicant informed the Board that it was willing to limit occupancy to 100 congregants. He again testified that there would be no exterior sound, no social gatherings, and that the congregation sought a quiet, small-scale prayer space only; and

WHEREAS, Mr. Nassar Aimukhtar was sworn and accepted by the Board as an expert in architecture. Mr. Aimukhtar's brief testimony included an overview of the proposed layout. He testified that the space included a men's prayer area of approximately 1173 square feet and a woman's prayer area of 981 square feet. Mr. Aimukhtar informed the Board that the space will be brought into compliance with fire code and occupancy limits and that because the space was previously used for retail purposes, interior modifications were understood to be necessary; and

WHEREAS, Mohammed El-Hawwat was sworn and accepted by the Board as an expert in engineering. Mr. El-Hawwat's testimony included that the Property consisted of 10,000 square feet including 4,600 square feet on the ground floor. He described the parking area as being L-shaped fronting on Park Place. Mr. El-Hawwat testified that there are no proposed changes to the exterior of the building on the Property. He informed the Board that there are seven parking spaces on the rear of the Property, with no specific designation as to parking rights. The Applicant, during Mr. El-Hawwat's testimony agreed to designate parking areas if conditioned by the Board. Mr. El-Hawwat confirmed the existence of a "water alley" on the westerly side of the building and informed the Board that that alley would be used for emergency egress purposes.

Mr. John B. Vischio, P.E., Traffic Engineer, Dynamic Traffic LLC was sworn and accepted by the Board as an expert in traffic engineering. Mr. Vischio presented traffic testimony to the Board whereby he reviewed the variances sought, informed the Board as to projected congregate attendance, and automobile trip generation. He opined that the Applicant's use of the space would general low volume traffic comparable to a small retail use, and that the level of service at the Park Place/Bloomfield Avenue intersection would be acceptable A/B levels during peak hours. He

testified that adequate parking would be available at the adjacent municipal parking lot and that on-street parking would supplement that availability. He approximated that there are 200 spaces within walking distance of the Property. Mr. Vischio opined that the proposed use would have minimal impact on traffic and parking and that the use would comply with industry standards per ITE Trip Generation Manual.

Mr. Vischio addressed the Board Engineer's June 5, 2025 review letter including the addendum to that letter as it related to Friday prayers. He noted the study focused on the primary intersection but acknowledged potential spillover if attendance exceeded projections, though deemed unlikely based on data; and

WHEREAS, at the September 18, 2025 hearing, Mr. Vischio continued his testimony. Mr. Vischio testified that the municipal parking lot has two points of egress, one on Bloomfield Avenue which is limited to right turn only, and the previously discussed egress on Park Place. Mr. Vischio testified that he had reviewed comments from the Board Engineer. Mr. Vischio advised the Board that contrary to the Engineer's opinion, the traffic light at the intersection of Bloomfield Avenue and Park Place would not require a timing adjustment because the egress onto Bloomfield Avenue would obviate the need for that adjustment; and

WHEREAS, Matthew Seckler, PP was sworn and accepted by the Board as an expert in professional planning. Mr. Seckler testified that he was familiar with the Application having reviewed transcripts from previous meeting, the Stonefield Engineering traffic study, Verona's 2022 Master Plan, the MLUL, and relevant case law. Mr. Seckler represented to the Board that he had visited the Property and the surrounding area.

Mr. Seckler reviewed the Exhibit 1, the aerial photograph of subject Property and further reviewed with the Board the additional Exhibits reflecting the current condition of the Property.

Mr. Seckler testified as to the permitted uses for the TCMU Zone, and conditional uses (mixed retail). He confirmed that House of Worship are no included in the TCMU Zone as a permitted use.

Mr. Seckler opined that although the Applicant's use of the Property was classified as a prayer room, he considered the space as a House of Worship as defined in Verona Ordinance-150-2.3. He noted that the Zoning Officer has deemed the proposed use as a House of Worship and Mr. Seckler concurred with that definition.

Mr. Seckler reviewed Exhibit 2 with the Board to illustrate where a house of Worship is permitted with Verona and opined that there are no sites in Verona that are not presently being used as a House of Worship that would allow a House of Worship.

Mr. Seckler opined that this TCMU Zone encourages uses that bring activity along Bloomfield Avenue and that the proposed use would promote such activity.

Mr. Seckler identified the proposed use as an inherently beneficial use in accordance with the MLUL and relied on the New Jersey court case of *House of Fire vs. Clifton*.

Mr. Seckler advised the Board that the Board is to utilize standards applicable to inherently beneficial uses and that the Board should use a balancing test in accordance with *Sica vs. Wall* as opposed to the more stringent standard set forth in *Medici v. BPR Co.* standard which is the highest level of standards. Mr. Seckler informed the Board that because the proposed use is inherently beneficial, the Applicant is not required to prove that the Property is particularly suited for the proposed use. According to the *Sica vs Wall* case, the Board must identify the public interest and identify detriments that may occur upon approval. He further opined that the Board needs to consider appropriate conditions to reduce detriments that may arise so as to balance inherent benefits with substantial detriments.

Mr. Seckler testified that even at the peak prayer time on Fridays the number of congregants attending a prayer service and the resulting vehicle traffic would not be a detriment to the community based on the location and zone of the site. The Applicant will not hold outdoor prayer, or exceed noise levels that would be heard outside the building or other life cycle events that may be seen as a detriment.

Mr. Seckler suggested that the Board could impose reasonable conditions when granting approval of the Application that would help reduce any negative impact of the approval. He concluded that approval of the Application would be consistent with goals of the Verona Master Plan because congregants would frequent businesses and local restaurants and that the approval will transition a vacant space into a utilized space.

Mr. Seckler testified regarding the Religious Land Use and Institutionalized Persons Act of 2000 which provides that a Board should not deny a religious application except for significant health and safety issues.

Mr. Seckler opined also that the Applicant is exempt from off street parking requirements as per Verona's ordinance governing parking in the TCMU Zone.

Mr. Seckler concluded that the site's access from Park Place was safe and adequate, the congregation was willing to cap attendance at 100 persons and restrict the use to morning, evening, and Friday mid-day prayers, and the proposed use would have no detrimental impact on traffic circulation or neighborhood character; and

WHEREAS, during the course of the hearing members of the public were given the opportunity to question each of the witnesses upon completion of their testimony, and, were given the opportunity to provide statements to the Board regarding the merits of the Application upon completion of the Applicant's case.

Public questions were addressed by each of the witnesses during the course of their testimony as set forth above. Public statements to the Board at the conclusion of the Application

included concerns about parking availability, municipal lot capacity, availability of on-street parking and the configuration of Park Place as it relates to the ability to handle the increased traffic projected from the Applicant's proposed use. The public expressed concern that approval of the Application would run with the land and that the current approval would result in the benefit to an unknown third party to allow a use similar to but not exactly in conformance with the Applicant's use as presented during the course of the Application. General statements also objected to allowing Houses of Worship in the TCMU Zone; and

WHEREAS, following testimony and public comment, the Board deliberated and made the following findings:

1. The Property is a ground floor/basement space in a two-story mixed-use building with access from Park Place, in a densely populated town center area near residential zones, a school, and high-traffic intersections.
2. The Applicant is seeking a use variance to operate a House of Worship, which is not a permitted or conditional use in the TCMU Zone. The Board, following discussion and unanimous agreement, determined the use is inherently beneficial as a religious institution under case law (though not statutorily enumerated in N.J.S.A. 40:55D-4), shifting focus to the balancing test of positive/negative criteria.
3. Although, the Applicant is not required to obtain a parking variance because off street parking is not required in the TCMU Zone, parking considerations are a material part of the Application because the Verona Zoning Code would require the Applicant to provide 52 parking spaces for the proposed maximum 156 occupancy load. Although the Applicant agreed to restrict occupancy to 100 congregants thereby reducing the equivalent parking requirement, the Applicant failed to prove that the excessive vehicle demand would not negatively impact the area and would not be inconsistent with Verona's Master Plan and Zoning Ordinances.

4. Mr. Solaiman's testimony was sincere regarding low-impact intent but lacked specifics on code upgrades, enforcement of no-growth commitments, or contingency for higher attendance/parking overflows.
5. Mr. Vischio's testimony was credible but did not adequately address concerns about peak attendance exceeding projections impacts from other tenants in which the space is located nearby intersections/lights, school dismissal timing overlaps, or Park Place configuration constraints.
6. Mr. Seckler's testimony was credible but did not adequately address the negative criteria as it relates to the conflict between the permitted uses in the TCMU Zone and the adverse impact that the proposed use would have on downtown parking availability and negative traffic impact.
7. The Board recognized the importance of religious freedom.
8. The proposed location lacks adequate parking and poses traffic and congestion concerns on Park Place adversely impacting the general public and residential neighbors.
9. The inherent benefit is limited in scope and does not outweigh detriments. The Applicant did not meet its burden of proof regarding the use and the Applicant failed to prove the negative criteria – that the variances could be granted without substantial detriment to the public good, given amplified safety, traffic, parking, and neighborhood impacts including that Friday prayer concludes at 1:45 p.m. which could interfere with school student pick up and that the proposed use would likely interfere with the residential uses in proximity to the Property.

10. The proposed use would alter the character of the downtown commercial area and is inconsistent with the Town Center Mixed Use Zone objectives of pedestrian-oriented retail and service uses.
11. In addition to the non-conforming use and the Applicant's representation that the Applicant would takes steps necessary for code compliance, there are concerns about the windowless basement space for up to 100 occupants and using the water alley for emergency purposes.
12. The Applicant is seeking the proposed use on temporary basis which is not consistent with long term master plan objectives.
13. The testimony offered was particular to this House of Worship use.
14. The traffic study did not consider higher attendance scenarios, other tenants' cumulative impacts, full neighborhood intersections/lights, or school overlaps.
15. Reactive measures are impractical and unenforceable long-term, and do not address root traffic congestion.
16. The site lacks dedicated parking, with municipal lot capacity limited during peaks, exacerbating dangerous egress queues on narrow Park Place.
17. The basement lacks windows/natural light, raising egress/safety issues for large gatherings, especially without detailed compliance testimony or plans.
18. The temporary intent (1-2 years) undermines long-term zoning goals.
19. Comparable houses of worship have dedicated facilities and parking.
20. Granting the variances would substantially impair the intent and purpose of the TCMU Zone Plan and Verona Master Plan, which balance commercial/residential uses without high-intensity assemblies that strain infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of Adjustment of the Township of Verona, that the Application of The Islamic Center of Essex County, BOA No. 2025-

02, seeking a use variance to permit the operation of a house of worship at 544 Bloomfield Avenue (a/k/a 10 Park Place), Block 1703, Lot 68, is hereby DENIED, based upon the testimony, evidence, and findings set forth herein.

BE IT FURTHER RESOLVED, that the Board's decision is based upon the entire record of the proceedings, including all testimony, exhibits, departmental reports, and public comments, and that a copy of this Resolution shall be provided to the Applicant, the Township Manager, Township Council, and Township Clerk in accordance with law.


MOTION TO APPROVE: Mr. Ryan

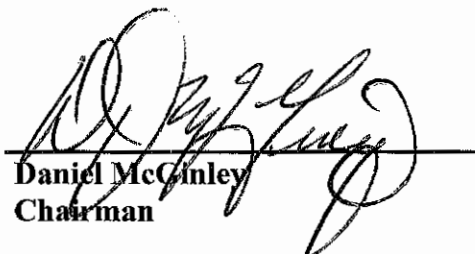
SECOND: Dr. Ries

Roll Call Vote:

	AYES	NAYS	NOT ELIGIBLE	ABSTAIN
Mr. Tully			X	
Dr. Ries	X			
Dr. Cuartas	X			
Mr. Ryan	X			
Mrs. Murphy-Bradacs	X			
Mr. Mathewson	X			
Mrs. DiBartolo	X			
Vice-Chair Weston			X	
Chair McGinley	X			

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE BOARD OF ADJUSTMENT OF REGULAR MEETING HELD ON SEPTEMBER 18, 2025.


Dolores Carpinelli
 Acting Board Secretary


Daniel McGinley
 Chairman